

**MONTANA PUBLIC SERVICE COMMISSION  
UTILITY DIVISION  
AGENDA NO. 08-05-29**

Date Published: May 22, 2008  
For Work Week Commencing: May 26, 2008  
Commission Meeting: May 29, 2008, 9:00 a.m.

*General Introduction* *This agenda is the Commission's Utility Division agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.*

*Place of Meetings* *All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.*

*Live webcast* *Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.*

*Inquiries* *General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.*

*Accommodation for Persons with Disabilities* *Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.*

**9:00 a.m. Weekly Scheduling** (Commission Conference Room – No Web Audio Feed)

**9:30 a.m. Business** (Bollinger Room)

**Public Comments**

**Action Items** All items identified below are for action at the Commission business meeting.

**Work Sessions** All items identified below are for Commission discussion or action on the day designated.

1. D2004.4.61 – Phantom Hills Water Company – Application to establish initial water rates and charges for water service – Discuss and act on suspending Procedural Order. (05/29/08)
2. D2008.2.15 – Stillwater Utility, LLC – Application to implement initial rates and charges in its Kalispell, Montana service area – Discuss and approve substantive legal changes to the Interim Order previously approved by the Commission on April 21<sup>st</sup>. (05/29/08)
3. D2008.5.44 – NorthWestern Energy – Annual application for approval of monthly gas cost tracker true-up, projected gas costs, and gas transportation balance – Consider and act on Motion for Protective Order. (05/29/08)
4. D2003.8.109 – NorthWestern Energy – Discuss and seek direction on the Liberty Audit financial cost analysis and staffing level recommendations. (05/29/08)
5. D2007.7.82 – NorthWestern Energy – Application for Approval for Authority to establish Increased Natural Gas and Electric Delivery Service Rates – Discuss and act on Marks Lumber's Petition for Late Intervention. (05/29/08)
6. D2006.6.94 & D2007.6.59 (Consolidated) – NorthWestern Energy – Application for Approval of 2006 [and 2007] Avoided Cost Compliance Filing – (1) Discuss and act on CELP Motion to Bifurcate, (2) Discuss and act on NWE's Motion for Interim Rates (2007), (3) Discuss and act on possible suspension of the procedural schedule pending the outcome of the judicial review of orders 6501f and 6501g, and discuss any other pending matters in these dockets. (05/29/08)
7. Placeholder - D2008.4.36 – NorthWestern Corporation – Investigation of NorthWestern Corporation's Compliance with Order 6505e – Consider and act on Montana Consumer Counsel's Motion for an Order Compelling Production and for Related Relief. (05/29/08)

**Other Meetings**

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

**Notice Items** All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

**1. MONTANA-DAKOTA UTILITIES CO. N2008.5.52 (Eric D.)**

On May 19, 2008, MDU filed a request for approval of a cost schedule for all work related to cutting or raising wires or cables or moving poles in accordance with Sections 69-4-602 and 69-4-603, MCA. The proposed Rate 53 tariff sets forth labor and equipment rates and the terms and conditions that will apply to structure moves that require MDU to move poles or raise or cut wires.

**2. Qwest Communications Corporation N2008.5.50 (Scott)**

On May 15, 2008 Qwest filed Tariff Transmittal QCC08-03. The purpose of this filing is to correct language in the Qwest Connect contract section of the tariff. The corrections are to change intrastate to interstate, to add language to clarify that the shortfall terms are specified in the customer's contract, and to correct the Qwest mailing address for contract termination. This filing also adjusts the minutes of use and monthly charges for the new EZ Rate contract offering. This adjustment's are being made to simply the offering. Qwest currently has no customers who subscribe to this service. Qwest is requesting an effective date for this filing of June 15, 2008.

**Protective Orders – Notice Items** The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

**Protective Orders – Information Items** The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

**Information Items** All items identified below are for information only.

**New Filings Received in Past Week**

D2008.5.49 – OneEighty Communications – Petition for Commission mediation of a dispute with Qwest Corporation

N2008.5.50 – Qwest Communications Corporation – Tariff Transmittal QCC08-03 – Correct language in the Qwest Connect contract

N2008.5.51 – Avista Corporation – Motion for protective order related to schedule 16 of Avista Corp's 2007 annual electric report

N2008.5.52 – Montana-Dakota Utilities Co. – Request for approval of a cost schedule for work related to moving poles or raising or cutting wires or cables